

The regular meeting of the Borough of Riverdale Mayor and Council opened on the above date at 7:30 p.m. with the Pledge of Allegiance.

Mayor Budesheim presiding.

ROLL CALL: **Present:** **Astarita, Bush, Falkoski, Carelli**
 Absent: **Guis (presentation), Wetzel (vacation)**

Mayor Budesheim announced that proper notice of this meeting was made as to time, date, place and agenda.

APPROVAL OF MINUTES DATED:

June 16, 2008 - Regular Meeting
 July 7, 2008 - Workshop Meeting

Councilman Falkoski set forth the motion, seconded by Councilwoman Bush, to approve the above listed minutes as read.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 Abstain: **Carelli (6/16/08 only), Astarita (7/7/08 only)**
 (3 ayes – 0 nays – motion carried)

PUBLIC PARTICIPATION NO. 1:

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilman Carelli that the public portion be closed.

ALL IN FAVOR.

PROCLAMATION: MAYOR BUDESHEIM AND COUNCIL TO PROCLAIM THE MONTH OF SEPTEMBER AS “OVARIAN CANCER AWARENESS MONTH”.

Mayor Budesheim declared support for the Kaleidoscope of Hope Foundation walkathon and proclaimed September as “Ovarian Cancer Awareness Month”.

COPY OF PROCLAMATION IN FULL ON PAGE NO. 70-A

ORDINANCES:

- 1) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 05-2008

ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY OVERLAY DISTRICT”

Mayor Budesheim announced that due to not having full membership of the Council in attendance we will proceed with the public hearing and postpone the vote until the next meeting.

The Municipal Clerk read the notice for the second reading and final adoption.

ORDINANCES (continued):

Mayor Budesheim announced that this Ordinance was open for public participation.

Pat Reese, 5 William Street, stated she wished to ask different council members questions and would prefer the Mayor not answer for the Council. Borough Attorney Oostdyk stated it is appropriate to direct questions to the Chair. Mrs. Reese said she wants to be confident that the council members who are responsible for a vote are completely informed as to the negotiations regarding the sewer gallonage for the project. She said there may be underlying reasons why this project is so important and she feels that sewers are one of them. She would like to know what was steering the Council and their individual votes and what changed everybody's mind. She said the Mayor states the sewers are an issue when he talks about this project so she wants to hear from the Council why that has anything to do with the 55 and older. Councilman Astarita responded that he was against the project from the beginning but as things progressed he thought about the positive aspects such as ratables. He reviewed the reports on number of school children, considered the economic conditions and gave the issues a lot of thought. He said he changed his vote because we need the ratables now and he feels the over 55 portion would not have a dramatic impact. It had nothing to do with sewers. Mrs. Reese said she's heard a lot about this project being important because it's an opportunity to bring sewer allocation into town that we might not otherwise receive. She asked how much we were looking for, how much the developer needs, and how much is left for us. She asked how much each Councilperson has really looked into and thought about this issue. Mayor Budesheim stated that if we buy 250,000 gallons there will be 160,000 gallons for non-TCR projects. That would be enough to sewer the lower part of town, not the other side of Route 23. He said the price would be prohibitive if we had to purchase it on our own and that we would also save about \$3,500 per home on connection charges alone. Mrs. Reese asked if that was the driving force for this project. Mayor Budesheim said it is one of them along with ratables. Mrs. Reese said she feels if we go forward with this change proposed tonight, you will see an immediate return but eventually you'll start to see that go down. She said she doesn't see the urgency to do this tonight and hopes each council member has given this tremendous thought.

Scott Berkowitz, owner of EVS Metal and 1 Kenner Court, is opposed to the ordinance. He feels that the new residents of this development won't want manufacturers across the street from them. He would prefer to see the area developed back into I zone to attract other manufacturers and bring ratables without school children and provide jobs. Mayor Budesheim stated the time to express opposition to the project was 2 years ago at the Planning Board; this hearing is for age restriction. Mr. Berkowitz stated he is here now because he was notified about eliminating the age restriction. He is opposed because lifting the age restriction will result in increased traffic and more school children. He also expressed concern in the event of a flood or other emergency. He hopes that without this change TCR won't go forward.

Janet Culmone, Cotliss Road, asked if we had a good study for the number of additional school children. Mayor Budesheim stated that the school study states there will be 30 additional children from all projects in town not including this one. They expect 19 additional from this project with age restriction and 19 more without age restriction. Ms. Culmone asked Councilman Astarita to clarify changing his vote because he went home and thought about it, while at a previous meeting he stated he had a long conversation with the Mayor. Councilman Astartia stated he had the conversation with the Mayor after thinking about it. He said this project went through all the processes it was supposed to and it passed and he did go home and think about the ratables.

Jim Talerico, 104 Newbury Place, asked how many members need to be present to vote on this ordinance. Mayor Budesheim stated he would prefer at least 5 of the 6 council members be present. Borough Attorney Oostdyk stated there are enough members

ORDINANCES (continued):

present but it is a courtesy to the members not present to postpone the vote. Councilman Falkoski stated that if the motion is made to postpone the vote he would ensure the public has the right to come back to continue the public hearing prior to the vote. Mr. Talerico said he would save most of his comments for the next meeting. He said he was disappointed that not one councilperson attended the last Planning Board meeting to hear what those board members had to say on this ordinance. He said the applicant should still be in front of the Board of Adjustment. He asked why the council hasn't considered the 3 questions our Planner asked the Planning Board in his letter and said it would be helpful if our Planner was to attend a council meeting to provide answers. He stated that when he was Chairman of the Planning Board he made it very clear that we never had a true planning report on that site and tonight you still don't have a planner's report so I don't understand how you can vote on this project.

Pompton Lakes Mayor Katie Cole stated she has concerns and residents had attended her meeting with concerns. She feels lifting the age restriction will affect the traffic and the schools in both communities and asked the council to keep the age restriction.

Steven Loesner, Chairman of Riverdale Planning Board, 61 Cottage Place, read the following statement: What is planning? The planning and zoning manual prepared by Rutgers University puts it simply as the effort to infuse action with foresight. It assumes that one undertakes planning with the intent that action is to follow. A plan is something that someone intends to carry out or implement over time. If there is no intention to carry out a plan, then it is merely a utopian scheme. It also assumes that those undertaking the planning attempt to understand the consequences of specific actions. Riverdale's recently adopted master plan defines our housing objective as the following. It is the borough's goal to meet its housing obligations and provide housing opportunities for people of all ages, lifestyles, and income levels. Our housing goals include maintaining and encouraging diverse, attractive and affordable housing choices and opportunities that can be utilized by all residents and that promote neighborhood stability and property values. Several years ago a plan was drafted that in the opinion of the planning board would accomplish several goals. One was to attempt to stabilize the tax base by rezoning. An overlay of a few lots in the industrial area was prepared to seek a residential use. Second, that this overlay would seek to rehabilitate a site which lay in the flood plain and remediate this site in the public interest. Trammel Crowe Residential development was interested in this plan so it was decided to draft an ordinance which would accomplish these goals with the input from TCR so as to meet some of their needs. TRC naturally wanted as many units as possible. It was felt that with half the units dedicated to adult housing that 16 units per acre could be accepted as this is the built out density of the Powder Mill adult development. It would also lessen the impact to the school population by balancing the project between the two phases. Furthermore, it was decided that the restricted units would be constructed first to further reduce the impact to the school. On February 21, 2007 a hearing was held by the Planning Board on an application by TCR to change the construction schedule to allow the building of the non-restricted housing first. TCR presented an expert in real estate appraising, Mr. Jeffery Otteau. In surmising his testimony, Mr. Otteau stated the following "I expect that the recovery in the age restricted housing market will likely begin somewhere between 2008 and 2009". Still feeling this would not totally undermine the project it was decided to allow the change in the construction schedule. The following is a statement taken from the transcripts of that meeting by Mr. Chuchra the representative of TCR. "Our plea to the board is to let us see some fruit for the labor right now. Let us proceed so we get all the permits, start in 2008 after the winter. Start – March, start building the market rate – market comes back, we build on the north side, the seniors." As we all know, no such construction has begun. It is my belief that no further changes are warranted in the Multifamily Overlay district. Our planner, Donna Holmqvist of Burgis Associates prepared a memorandum for the planning board which made the following conclusion. School, traffic and fiscal impacts

ORDINANCES (continued):

should be considered by the board. The MF-O district was recently established and the density of 16 dwelling units per acre may generate different impacts by virtue of constructing an additional 212 units of non-age restricted housing on the site. The only reason given for this drastic change has been the temporary economic hardship of TCR. Consideration should be given to current residents of Riverdale and the potential and permanent impacts for them.

Mayor Budesheim stated that the reason there has been no construction is we are still waiting for the Pequannock River Basin Regional Sewage Authority to approve the TWA application.

There being no further comments, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to close the public session and to continue the public hearing and adoption of Ordinance 05-2008 at the next Mayor and Council meeting to be held on August 4, 2008 at 7:30 p.m.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 (4 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 73-B

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 08-2008

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVERDALE AND ESTABLISHING NEW CHAPTER 96
ENTITLED “FERTILIZER” AND REGULATING THE APPLICATION OF
FERTILIZER WITHIN THE BOROUGH OF RIVERDALE

The Municipal Clerk read the notice for the second reading and final adoption.

Mayor Budesheim announced that this Ordinance was open for public participation.

There being no comments, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to close the public session.

ALL IN FAVOR.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 08-2008 as read on second reading at this meeting, be adopted and finally passed.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 (4 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 73-C

ORDINANCES (continued):

- 3) Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to introduce the following ordinance and moved its adoption.

ORDINANCE 09-2008**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING REGULATIONS FOR SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS**

ROLL CALL: **Ayes:** Astarita, Bush, Falkoski, Carelli
 Nays: None
 (4 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 74-D

- 4) Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to introduce the following ordinance and moved its adoption.

ORDINANCE 10-2008**ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

ROLL CALL: **Ayes:** Astarita, Bush, Falkoski, Carelli
 Nays: None
 (4 ayes – 0 nays – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 74-E**RESOLUTIONS:**

Councilwoman Bush stated that the borough would be responsible for a 25 percent match of funds in the amount of \$1,620 for Resolution 54-2008.

- 1) Payment of Claims per bills list to include the following:

a. Jordan Transportation	Recreation Trips	\$ 7,980.00
b. 123 Tumble Bus	Kinder Kamp	\$ 700.00
c. Happy Times Theatre	Municipal Alliance	\$ 410.00
d. PartiRents	Movie Night	\$ 144.25
e. Jbws-Juli Harpell Elam	Municipal Alliance	\$ 200.00
f. D.T.M. Productions	Recreation	\$ 495.00
g. E-Government.com	Municipal Website	\$ 3,100.00
- 2) Escrow payments to the following:

a) Darmofalski Eng. & Assoc.	Target Corp.	\$ 2,080.00
b) Darmofalski Eng. & Assoc.	TCR/Horton	\$ 1,820.00
c) Anderson & Denzler Assoc.	Alexan Riverwalk	\$ 385.00
d) Anderson & Denzler Assoc.	Alexan Riverwalk	\$ 280.00
e) Richard J. Clemack	Alexan Riverwalk	\$ 2,415.59
- 3) **Resolution #53-2008;** Authorization of governing body to increase the fixed assets accounting for moveable assets to include all individual items with a cost in excess of five thousand dollars (\$5,000).
- 4) **Resolution #54-2008;** Authorize submission of an application for the Riverdale Municipal Alliance grant for the calendar year 2009, in the amount of \$6,443.00.

RESOLUTIONS (continued):

- 5) Mayor to appoint Amanda Gavrun as a Junior Fireman to the Riverdale Volunteer Fire Department with consent of governing body.
- 6) **Resolution #55-2008;** Support for the “Over the Limit Under Arrest 2008 Statewide Crackdown” from August 15 through September 1, 2008.
- 7) Authorize work at Sky Ball’s property by R Febbi Contractors in the amount of \$7,000. (2 quotations were received)

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 (4 ayes – 0 nays – motion carried)

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 75-F, G, H AND I**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported on the matter of rocks falling into the road at the Beazer/Majestic development. A meeting was held and the Zoning Officer and Borough Engineer are of the opinion the developers are not going to do anything about the problem which has been ongoing for several years without resolution. The recommendation is to pursue litigation in Superior Court and make an attempt to get a solution to the problem and protect the safety of the public.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Bush, to authorize the Borough Attorney to pursue litigation in Superior Court for legal action pertaining to the matter of rocks falling into the road at the Beazer/Majestic development.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 (4 ayes – 0 nays – motion carried)

MAYOR REPORT:

Mayor Budesheim reported that during a meeting with the Auditor they discussed combining our water and sewer utilities. This would result in less duplication and simplify billing. Borough Attorney Oostdyk will discuss the matter with the Auditor. Mayor Budesheim also reported on cutting expenses. The Police Chief feels that having two Special Officers is more than we need and is willing to sacrifice one position.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to eliminate the position of a second Special Police Officer to be effective in two weeks.

ROLL CALL: **Ayes:** **Astarita, Bush, Falkoski, Carelli**
 Nays: **None**
 (4 ayes – 0 nays – motion carried)

COMMITTEE REPORTS:

Councilman Falkoski reported the municipal court report for the month of June.

Councilwoman Bush asked Mayor Budesheim to submit pictures to Morris Tomorrow so Riverdale will be represented.

PUBLIC PARTICIPATION NO. 2:

Scott Berkowitz reported on a problem with the sensor at the traffic light at the Hamburg Turnpike and Newark Pompton Turnpike intersection. At certain times the sensor does not detect a vehicle waiting on Newark Pompton Turnpike and the light does not change to green. He asked if something could be done.

There being no further comments, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, that the public portion be closed.

ALL IN FAVOR.

ADJOURNMENT:

Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:40 p.m.

Respectfully Submitted:

Carol J. Talerico, R.M.C.
Municipal Clerk